

Exhibit 4

**Criminal Investigation Division
Investigative Activity Report**

Case Number

0202-0112

Case Title:

Tonawanda Coke Corporation - Smokestack Discharge

Reporting Office:

Syracuse, NY, Resident Office

Subject of Report:

Craig Evans Interview 10-3-13

Activity Date:

October 3, 2013

Reporting Official and Date:Robert J. Conway
Special Agent**Approving Official and Date:**Vernesa D. Jones-Allen
Acting Special Agent in Charge

04-OCT-2013, Signed by: Robert J. Conway

04-OCT-2013, Approved by: Vernesa D. Jones-Allen
Acting Special Agent in Charge**SYNOPSIS**

On Thursday October 3, 2007, US EPA-CID Special Agent Robert Conway and New York State Department of Environmental Conservation (NYS-DEC) Investigator Robert O'Connor interviewed Craig Evans, an employee of the Pennsylvania Department of Environmental Protection (PADEP) via telephone. Mr. Evans was involved in an air inspection at Erie Coke Corporation in 2007 where he observed an incident between Erie Coke environmental manager Mark Kamholz and PADEP inspector Bill Dunagan. The details of this incident are summarized in the following report.

DETAILS

On Thursday October 3, 2007, US EPA-CID Special Agent Robert Conway and New York State Department of Environmental Conservation (NYS-DEC) Investigator Robert O'Connor interviewed Craig Evans, an employee of the Pennsylvania Department of Environmental Protection (PADEP) via telephone. Mr. Evans was involved in an air inspection at Erie Coke Corporation in 2007 where he observed an incident between Erie Coke environmental manager Mark Kamholz and PADEP inspector Bill Dunagan. The details of this incident are summarized in the following report.

Mr. Evans estimated that the air inspection that he participated in at Erie Coke Corporation in Erie, PA took place in June 2007. Mr. Evans, who worked at the headquarters office in Harrisburg, PA, was requested to participate in the inspection by John Guth, a manager in the Meadville, PA regional office. Evans knew that Jim Hagadorne, a US EPA inspector, took part in an earlier inspection at the facility. The inspection was an announced inspection that lasted three days (Tuesday – Thursday). Evans drove to Meadville, PA on Monday where he met fellow inspection participants Ed Kiter and Bill Dunagan. The focus of the inspection was to observe all operations to include loading, pushing and catching. Guth wanted Evans to participate as the technical expert for the team due to Evans previous experience inspecting coke plants.

Mr. Evans thought the inspection team was about to leave the facility for lunch when Dunagan began to perform a Method 9 test of the facilities waste heat stack. Mark Kamholz saw Dunagan and became agitated. Kamholz made a statement to Dunagan about being a “bird dog” and “you never stop.” Evans easily recalled the conversation but did not see Kamholz or Dunagan bump or contact each other. However, Evans did state that Kamholz approached Dunagan and got into Dunagan’s personal space. Evans added that Kamholz was angered and shaking in the confrontation and that his (Kamholz’s) voice was elevated. Evans thought the incident occurred on either the second or third day of the inspection. When asked if he ever was present at an

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inspection where a confrontation like this occurred, Evans replied that this was the first and only time he was involved in an incident like this. No further discussion of this matter occurred at lunch per Evans recollection.

After the inspection was completed, Evans drove back to Harrisburg, PA on Friday. Evans wrote a report of the inspection but a check of his personal files and the PADEP agency files turned up no copy of the inspection report. When asked about his general impression of the Erie Coke facility compared to other coke plants he inspected, Evans responded that housekeeping at Erie Coke was deplorable. Evans added that the lack of proper housekeeping spoke volumes about how the facility was not being operated properly. Evans provided an example about all the coal dust lying on top of the battery where charging occurs. Evans recommended that Kamholz and the workers sweep the dust into the ovens while charging lids were off. Evans also noted that the metal hood on the catcher car was bent and should have been repaired. The coke oven battery bricks were so cracked that coke oven gas was escaping via the oven's waste heat stack which caused opacity violations. Erie Coke was attempting to effect repairs by parging the cracks but the breeches were so severe the repair efforts were ineffective. When new modular brick walls were installed in the battery, the escape of coke oven gas reduced significantly according to Evans.

Mr. Evans has a Bachelors of Science Degree in Chemical Engineering and a Masters Degree in Environmental Engineering both from Pennsylvania State University (Penn State). Evans left the PADEP shortly after this inspection in September 2007 to work on an invention that he later got patented. He returned to work at PADEP in a different position in July 2010 as a hired annuitant for the first three months and then as a permanent employee since. Evans current job title is Environmental Group Manager – Section Chief Air Toxics and Risk Assessment Division.

When asked if any other people were present for the inspection incident, Evans replied that Mary Nies and Marty (LNU) along with Kamholz were the Erie Coke employees present. For PADEP, Evans stated he, Ed Kiter and Bill Dunagan were present. It is possible that other people were there too but Evans couldn't recall any other names. When asked if the incident - confrontation was over Dunagan taking photographs, Evans couldn't recall but still thought it was over a Method 9 inspection.